IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16119 of 2006

Dated: January 19, 2007

Between:

Nazish Fatima, D/o. Khaja Naseeruddin Ahmed,
Aged 17 years, (Minir) Occupation: Student,
Rep. by her father Khaja Naseeruddin Ahmed,
S/o. Khaja Mohinuddin Ahmed, aged 48 years,
Occ: Govt. Employee, R/o. 8-5-32, Ahmer Nagar,
Karimnagar.

… Petitioner

And

Government of Andhra Pradesh, rep. by its
Secretary, Education Department, Secretariat,
Hyderabad, and others.

… Respondents

Order:

Petitioner, a physically disabled person, has filed this Writ Petition seeking Mandamus to declare the action of respondents 3 and 4 in filling up seats of Medical Course without following reservation policy for physically handicapped persons, as illegal and arbitrary and

a consequential direction to the respondents to allot him a seat in M.B.B.S. course for the academic year 2006-07.

2. Petitioner has appeared for EAMCET-2006 for entry into Medical stream and secured rank '37095'. Based on her ranking, she applied for a seat in the third and fourth respondents; colleges of Medical Sciences, claiming reservation in 3 percent of seats earmarked for Physically Handicapped persons. Apprehending that respondents would complete the admission process without considering the percentage of seats earmarked for Physically Handicapped persons, she has come up with the present Writ Petition.

3. Third respondent has filed counter affidavit stating that a paper notification dated 21-07-2006 was issued by it calling for applications from students for admissions into 'A' and 'B' category seats. After receipt of applications, a merit list was displayed on 26-07-2006 in respect of 426 students who had applied and they were asked to attend counselling on 27-07-2006. It is further stated that the petitioner is at Sl.No.399 in the merit list and among the students of O.U. local area, she is at Sl.No.317 and hence she was not amongst the students in the first merit list and though notification was issued for second phase of counselling, she did not choose to attend the same on 31-07-2006. It is further stated that petitioner cannot be considered in any other separate quota except categories A and B. It is also stated that petitioner did not opt for being considered in 'B' category seats.

4. Admissions to Undergraduate Professional Courses are governed by the rules framed under G.O.Ms.No.272 dated 10-07-2006 in exercise of powers under Sections 3 to 15 of the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of

Capitation Fees) Act, 1993 ('the Act' for brevity). As per the said rules, there is no provision for reservation at all. In the absence of any such provision in the rules framed under the Act, petitioner cannot claim any reservation in the seats. Even as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the obligation of reserving three percent seats to physically disabled persons is confined only to Government educational institutions and other educational institutions receiving aid from the Government. In that view of the matter, no direction as sought for can be issued.

5. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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JUSTICE R. SUBHASH REDDY.

January 19, 2007
MRR